

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

The drawings are objected to because the specification indicates that Figures 6-8 are part of the disclosure, but have not been submitted. Further, the "guiding sliding block" of claims 48-54 are not shown but admit to illustration.

Applicants are submitting herewith a new set of drawing sheets. The sheets containing Figures 1-5 are as originally filed with the sheet numbers removed. Figures 6-8 are submitted and no new matter is included therein since such is supported by the specification at page 5, lines 15-18; page 12, line 22 to page 13, line 9; original claims 21-27; and Figures 1-5. The "guiding sliding block" is depicted in Figures 6-8, reference number 201 and conforms to the written description in the application. In view of the written description as to structure and function in the described storage unit, such simple mechanical

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component would be understandable and designable by one skilled in the art. Acceptance of the drawings is requested.

Claims 28-54 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite on the basis as set forth at pages 3-4 of the office action.

Independent claim 28 has been amended in view of the Examiner's remarks with respect to the §112 rejection to clarify the structure being claimed. The dependent claims have been amended to conform to the revised language of claim 28. Withdrawal of the §112 rejection is respectfully requested.

Claims 30, 34, 38, 41, 44 and 48-50 are stated to be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. §112.

Claim 30/28 has been rewritten in independent form as claim 30. Claim 30/29 has been rewritten in independent form as new claim 55. Additionally, claims 34, 38, 41, 44, 48 and 52 have been rewritten in independent form. Claims 49-51 and 53-54 are dependent on one of the rewritten claims. Accordingly, claims 30, 34, 38, 41, 44, 48-50 and 55 are submitted to be in condition for allowance. Formal allowance of these claims is therefore requested.

The outstanding rejections based on art are as follows:

- (1) Claims 28-29, 31-33, 35-37, 39-40 and 45-47 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,817,464 (Biondi); and
- (2) Claims 28-29, 31-33, 35-37, 39-43 and 45-47 under 35 U.S.C. §103(a) over Biondi.

In setting forth the rejection of claims under 35 U.S.C. §102, the Examiner states that Biondi discloses a storage unit, at least two closed flexible members in concurrent parallel orientation, transfer members, driving wheels, radially oriented laterally projecting supports and moving unit. As to the rejection under 35 U.S.C. §103, the Examiner only refers to dependent claims 42-43 and states that employing chains as an endless conveying surface is considered a matter of design choice. Even assuming the above features are present in the device described in Biondi or the use of chains as flexible members were considered an obvious design choice, independent claim 28 includes additional features not present in the device described in Biondi.

More specifically, claim 28 is directed to a storage unit including at least two flexible members wherein

each flexible member includes supports with one or more product supporting surfaces. The flexible members move along respective parallel paths defined by driving wheels. In each path of a flexible member, a transfer member is present for receiving products from the supports on a first branch of the flexible member which is upstream of a driving wheel and then transferring the products from the supports on the first branch to supports on a second branch of the flexible member which is downstream of the driving wheel. Accordingly, the transfer member of applicants' claimed storage unit is arranged to transfer products from one portion, i.e., the first branch, to a second portion, i.e., the second branch, of one and the same flexible member while avoiding the driving wheel of the flexible member. Biondi does not teach or suggest this claimed structure.

Biondi describes a storage device with two parallel flexible members 16 and 17 and a transfer member 30 wherein the transfer member is structured to transfer products from one flexible member 16 to the other flexible member 17. Biondi does not disclose or suggest a flexible member with supports and a transfer member arranged in relation thereto for receiving products from the supports on one portion of the flexible member and transferring the received products to supports on another portion of the same

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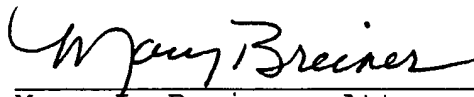
flexible member. Thus, applicants' claimed transfer member acts as a by-pass mechanism with respect to the driving wheel of the flexible member.

Accordingly, Biondi does not teach each and every element of the claims rejected thereunder and, thus, does not anticipate the claims under 35 U.S.C. §102. Further, Biondi does not provide any suggestion to motivate one skilled in the art to modify Biondi in order to obtain applicants' claimed storage unit. Biondi is directed solely to transferring objects between two separate conveying systems and not for transferring objects between different portions of the same conveying element. Thus, Biondi does not render the invention as claimed obvious within the meaning of 35 U.S.C. §103. Withdrawal of the §102 and §103 rejections based on Biondi is therefore requested.

Reconsideration and allowance of the claims are respectfully urged.

Respectfully submitted,

WALTER DI NARDO ET AL

By   
Mary J. Breiner, Attorney  
Registration No. 33,161  
BREINER & BREINER, L.L.C.  
P.O. Box 19290  
Alexandria, Virginia 22320-0290

Telephone: (703) 684-6885  
Attachments - Figure 1-5 (4 Replacement Sheets)  
- Figures 6-8 (2 New Sheets)